

REMARKS

Claims 1-7 are pending in this application, with claims 5-7 withdrawn from consideration.

Claim Amendments

By this amendment, the claims are amended to state that the key is held in the keyways 48, 56 in the connector and the tongue of the hasp by head 62 and connector 64. The language is supported in the specification at page 2, second to last line, in the summary of the invention at page 3, and at page 6, third full paragraph. No new matter is added by this amendment.

Objection to the Abstract

The Examiner objects to the Abstract. In response, a new Abstract is submitted herewith.

The objection is thus believed to be moot and should be withdrawn.

Objection to Specification

The Examiner objects to the informalities at pages 7 and 8 of the specification.

In response, pages 7 and 8 are amended. The objection is thus moot and should be withdrawn.

Restriction Requirement

Applicant acknowledges the withdrawal of claims 5-7 from consideration due to the prior restriction requirement.

Objections to Claims

The Examiner raises various formal objections to claims 1-4. In response, the claims are amended in a manner believed to overcome these objections. The objections are thus moot and should be withdrawn.

Rejection under 35 USC 112 (paragraph two)

Claims 1-4 stand rejected under 35 USC 112 (paragraph two) as not distinctly claiming the invention. This rejection is respectfully traversed to the extent deemed to apply to the claims as amended.

In response, claims 1-4 are amended in a manner which is believed to overcome the rejection. The rejection is thus believed to be moot, and should be withdrawn.

Rejection under 35 USC 103(a)

Claims 1-4 stand rejected under 35 USC 103(a) as being unpatentable over Loomis in view of Guiler. This rejection is respectfully traversed.

In response, applicant notes that Loomis describes two different types of hasp assemblies, one of which is in common general use at the present time, and is referred to in the disclosure at page 1 of the specification. One end of the hasp is attached to the jamb of the boxcar while a C-shaped connector is attached to the sliding door of the boxcar. To ensure that the hasp and connector are rigidly interconnected, they are welded together.

The second type of hasp assembly described in Loomis is illustrated at Figure 12, and is basically the same as the first with the exception that the hasp and connector are interconnected by friction and not by welding. Friction acts in the same way as the welding to ensure that the hasp and

connector are rigidly interconnected. To this end, the keyways 101, 102 in the C-fastener 60' must be exactly in register or aligned with the keyway 100 in the tongue 72 of the hasp so that key 170 will fit into the keyways. For there to be an effective friction fit, the key must be tightly received in the keyways. There is, accordingly, a rigid interconnection between the two components.

The hasp and C-fastener of the subject invention are held together by an entirely different means. The keyways in the two components need not be exactly aligned before they can be interconnected. Furthermore, they are not rigidly united once they are interconnected. The keyways may, in fact, be misaligned. As long as there is sufficient room for the key to be dropped into them, the hasp and C-fastener may be interconnected since it is the head at one end of the key and the fastener at the other end which holds the key in position, and not friction.

There are several advantages that flow from such an interconnection. First, applicant's assembly is suitable for securing the doors of older boxcars which may be damaged in various ways. For example, the doors of the boxcars may be dented or misshaped through misuse, and the tracks on which the doors slide may be bent or loose, etc. Despite considerable variations in the position of the hasp relative to the C-fastener resulting from the condition of the boxcar to which they are connected, applicant's hasp assembly is suitable to secure such doors.

By contrast, Loomis' assembly is only suitable where the keyways in the hasp and C-fastener are precisely aligned. In practice, this means that the Loomis assembly is only suitable for securing the doors of new boxcars.

Secondly, applicant's hasp assembly is unlikely to be damaged by the jerky motion that occurs when the brakes of a train are applied suddenly, or when the train is starting or stopping. By contrast, Loomis' assembly is more likely to be damaged by such motion. That is because considerable relative movement between the hasp and the C-fastener may occur without damaging

applicant's assembly. By contrast, no such movement is possible without damaging Loomis' assembly.

The Examiner argues that "Guiler teaches that it is well known in the art of locking a hasp to have a key (10) having a resilient catch (28) . . . ". It is submitted, however, that this is not the case. Guiler is not related to hasps and, in particular, is not related to the hasp such as that described in the subject application, or in Loomis. As for the hasps described in the many patents cited by the Examiner, such patents disclose structures which are significantly different from that described in the subject application and in Loomis, and are unsuitable for the purpose to which the subject hasp assembly and that of Loomis are suited.

Loomis calls for a hasp assembly which is interconnected by welding or friction, as is stated above. Loomis teaches away from a key such as described in Guiler since Guiler's key is attached neither by welding nor by friction. In addition, Guiler's key does not result in a rigid interconnection as Loomis requires.

It is accordingly submitted the claimed invention is neither disclosed nor suggested by the cited prior art. Indeed, applicant believes that the rejection is improperly the result of a hindsight reconstruction of the teachings of the references in view of applicant's disclosure. The Examiner's position that it would be obvious to substitute the key described in Guiler with key 170 of Loomis is without basis.

In view of the above, the rejection is improper and should be withdrawn.

The application is now in condition for allowance, and an early indication of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mr. James W. Hellwege (Reg. No. 28,808) at the

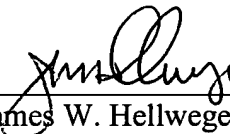
telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

A check in the amount of \$510.00 for the requested one month extension of time is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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3918-0162PUS1

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